

**REMARKS**

The claim stands rejected under 35 USC 112, first and second paragraphs because the specification presents less than full, clear and complete botanical description of the plant and the characteristics which define same per se and which distinguish the plant from related known cultivars and antecedents. The Examiner listed a number of specific areas of concern in paragraphs A-F of the September 23, 2003 Office Action. Applicant appreciates the Examiner's review and encloses herewith a marked-up copy of the specification showing the matter being added to and the matter being deleted from the specification of record. Also enclosed is a clean copy without markings as to the amended material. The marked-up copy shows Applicant's amendments addressing the issues raised by the Examiner in paragraphs A-F.

In particular, the new substitute specification provides information relative to the plant's reproductive organs (see page 6, lines 1-9, of Applicant's new substitute specification), and inflorescence bud (see page 5, lines 4-5, of Applicant's new substitute specification).

Applicant respectfully submits that the description is as complete as is reasonably possible.

No new matter has been added.

In view of the new substitute specification, it is submitted that the application is now ready for allowance. If any additional information is needed, the Examiner is invited to call the undersigned at (919) 765-5117.

It is believed that no fee is due. However, the Commissioner is also hereby authorized to charge any additional fees under 37 CFR §1.17, which may be required to maintain the pendency of the above application, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Syngenta Biotechnology, Inc.  
Patent Department  
P.O. Box 12257  
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Date: November 21, 2003

Respectfully submitted,



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60143P1

AGERATUM PLANT NAMED 'AGETIS'

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NOV 28 2003  
TECH CENTER 1600/2900**Latin name of the genus and species of the plant claimed***Ageratum houstonianum***Variety denomination**

'AGETIS'

**Background of the new plant**

The present invention comprises a new distinct cultivar of *Ageratum*, botanically known as *Ageratum houstonianum*. The new cultivar is propagated from cuttings resulting from the cross of 'Q343-2' and 'S570-2'. 'Q343-2' is a purple flowering *Ageratum* having a compact habit. 'Q343-2' is not commercially available and is not known by any synonyms. 'S570-2' is a blue and white flowering *Ageratum* having an upright habit. 'S570-2' is a selection from the variety 'Southern Cross'.

Neither 'Q342-2' or 'S570-2' has been patented. As a result of this cross the present cultivar was created in 1997 in Enkhuizen, Netherlands and has been repeatedly asexually reproduced by cuttings in Enkhuizen, Netherlands, in Gilroy, USA, in Angers, France and in Sarrians, France over a three-year period. The distinctive characteristics of this new *Ageratum* are stable and reproduced true to type in successive generations of asexual reproduction. It takes 9 to 11 weeks to produce a finished plant, depending on the temperature.

This new *Ageratum* plant is an annual in most climatical zones in the US, only in zones 9 and 10 is it a perennial plant.

### **Description of the drawing**

This new Ageratum plant is illustrated by the accompanying photographic drawing which shows blooms, buds and foliage of the plant in full color, the color shown being as true as can be reasonably obtained by conventional photographic procedures.

### **Description of the new cultivar**

The following detailed descriptions set forth the distinctive characteristics of this new Ageratum. The data which defines these characteristics were collected from asexual reproductions carried out in Enkhuizen, Netherlands. The plant history was taken on 20 weeks old plants, blossomed under natural light and artificial light in a greenhouse. Color readings were taken in the greenhouse under ambient light. Color references are primarily to the RHS Color Chart of the Royal Horticultural Society of London.

**Table 1**

#### **Differences between the new variety 'Agetis', its parents and a similar cultivar**

Character	'Agetis'	'Q343-2'	'S570-2'	'R116'
Flower color	Violet	Purple	Blue and white	Violet
Size of capitulum	16-21 mm	6-9 mm	16-21 mm	7-9 mm
Plant height	30-40 cm	20-25 cm	25-35 cm	20-25 cm
Branching	At every internode	At every internode	Not at every internode	At every internode

**The Plant**

Classification - Botanical	: <i>Ageratum houstonianum</i>
Parentage - Female parent	: A seedling named 'Q343-2' is one of our seedlings from our Q-generation of plants bred in 1987
5                                      - Pollen parent	: A seedling named 'S570-2' is one of our seedlings from our S-generation of plants bred in 1997
Growth habit	: Erect, well branched
Plant height	: 30-40 cm
Spreading area of plant	: 30-40 cm
10      Growth rate	: Vigorous
Strength	: Very good
Branching character	: Freely branching and lateral branching at every node
Blooming period	: Year round

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**The stem**

Diameter	: 2-2.5 mm
Shape	: Round
Color	: 145 B
20      Anthocyan pigmentation	: Absent
<u>Length of the stems</u>	: <u>11- 40 cm</u>
<u>Length of the internodes</u>	: <u>30 - 42 mm, depending on the light where the plant is propagate</u>
<u>Length of the stem</u>	: <u>5-15 cm</u>
25      Pubescence	: Slightly pubescent

**The Foliage**

	Phyllotaxis	: Opposite, decussate
	Shape of blade:	: Ovate
	Texture - Upper side	: Slightly pubescent
	- Lower side	: Slightly pubescent
5	Venation	: Reticulate
	Leaf margin	: Crenate
	Leaf base	: Cordate
	Leaf apex	: Rounded
	Length	: 27-63 mm
10	Width	: 30-68 mm
	Color - Upper side	: Dark green 137A
	- Lower side	: Medium green 143A
	Pubescence	: Some pubescence is present
	Length of petiole	: 11-15 mm
15	Color of petiole	: Light green 145C
	Petiole surface texture	: Slightly pubescent

### **Inflorescence**

	Inflorescence	: Compound umbel of capitula
20	Length of peduncle	: 18-35 mm
	Diameter of peduncle	: 2 – 3 mm
	Color of peduncle exposed to light	: RHS 152B
	Color of peduncle not exposed to light	: RHS 145A
	Length of pedicel	: 4-11 mm
25	Diameter of pedicel	: 1 – 2 mm
	Color of pedicel	: RHS 145A
	Number of inflorescence per plant	: 5 – 9 when ready for sale

- Diameter of umbel : 4 – 6 cm
- Depth of umbel : —: 2 – 5 cm
- Number of capitula per inflorescence: 10-19
- Number of disc florets corolla-per capitulum : 80-120
- 5 Capitulum in bud stage bud : round, flat capitulum, showing unopened florets  
from the start
- Number of ray florets : 0
- Shape of corolla of the disk floret : actinomorph
- Number of lobes : 5
- 10 Length of disc floret corolla : 4 – 5 mm
- Diameter of disc floret corolla : 1 – 2 mm
- Color of disc floret corolla-upper side : RHS 083D
- Color of disc floret corolla-lower side : RHS 157D
- Number of phyllaries per capitulum : 23-25
- 15 Length of phyllary : 4-5 mm
- Diameter of phyllary : 1-2 mm
- Color of upper side of phyllary : RHS 143A
- Color of lower side of phyllary : RHS 143B
- Diameter of capitulum at beginning
- 20 of flowering : 7-8 mm
- Depth of capitulum : 6-8 mm
- Color of capitulum at beginning
- of flowering : RHS 083D
- Diameter of capitulum at full
- 25 flowering : 16-21 mm
- Color of capitulum at full flowering : RHS 086D

**Reproductive organs**

Number of pistels : 1

Shape of pistels : style with two filiform branches

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Pollen : no pollen is produced

Length of stigma and style : 8-9 mm

Color of stigma : RHS 091A

Inferior ovary : 5-ribbed

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Pappus : short

Number of anthers : 5, connate in a tube, filaments free

Shape of anthers : ecalcarate

Pollen : no pollen is produced

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Fragrance : No fragrance

Lastingness of the bloom : The capitula of one umbel open over a period of 5 to 6 weeks

**Seeds**

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Seedset : No seedset has been observed

**Roots**

Type of roots : Fibrous. Roots start to grow on every part of the ————stem that contacts the soil, so not only at the nodes.

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**Physiological and ecological characteristics:**



Good tolerance to heat and cold, but no frost tolerance. Strong resistance to pests and diseases.

**What is claimed is:**

1. A new and distinct variety of Ageratum plant, substantially as herein illustrated and described, characterized particularly as to novelty by big blue flowers, which appear early on the plant, which produces no seeds, and has a growing habit that is erect, well  
5        branched and vigorous.

**Abstract**

A new Ageratum plant particularly distinguished by its large blue flower, early flowering, nicely branched plant habit and vigorous growth.